

Response to Arguments

1. Applicant's arguments, see pages 6-9, filed 5/17/2010, with respect to the 35 USC 103 rejections set forth in sections 5 and 6 of the previous Non-Final Office action mailed 4/2/2010 have been fully considered and are persuasive. Accordingly said rejections are withdrawn.

Allowable Subject Matter

2. Claims 7-11 and 23-26 are allowed.

3. The following is an examiner's statement of reasons for allowance: The closest prior art of Baker, Kolb and Applicant's own admitted prior art fail to disclose or render obvious the invention set forth within claim 7. Particularly none of the prior art teaches or renders obvious the precise manner in which the expected returns are predicted.

4. See applicant's arguments on pages 6-9 for additional reasons of non-obviousness and patentable distinction.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. This statement is not intended to necessarily state all the reasons for allowance or all the details why the claims are allowed and has not been written to specifically or impliedly state that all the reasons for allowance are set forth (MPEP 1302.14).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. Bailey et al. "Macroeconomic Influences and the Variability of the Commodity Futures Basis" is exemplary of the skill level of one of ordinary skill in the art of futures and prediction methodologies
 - b. Alford et al. "Predicting Long-Term Stock Return Volatility: Implications for Accounting and Valuation of Equity Derivatives" 1993 is also exemplary of the skill level of one of ordinary skill in the art of futures and prediction methodologies.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL L. GREENE JR. whose telephone number is (571)272-6876. The examiner can normally be reached on Mon-Thur.
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. L. G./
Examiner, Art Unit 3694
2010-06-04

/Ella Colbert/
Primary Examiner, Art Unit 3694